

March 4, 2005

MEMORANDUM TO: C. William Reamer, Director  
Division of High-Level Waste Repository Safety  
Office of Nuclear Material Safety  
and Safeguards

FROM: Robert M. Latta, Sr. On-Site Licensing Representative  
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and Safeguards

Jack D. Parrott, Sr. On-Site Licensing Representative  
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Office of Nuclear Material Safety  
and Safeguards

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION ON-SITE LICENSING  
REPRESENTATIVES' REPORT ON THE YUCCA MOUNTAIN  
PROJECT FOR NOVEMBER 1, 2004, THROUGH DECEMBER 31,  
2004

The purpose of this memorandum is to transmit the U.S. Nuclear Regulatory Commission (NRC) On-Site Representatives' (ORs') report for the period of November 1, 2004, through December 31, 2004.

This report highlights a number of Yucca Mountain Project activities of potential interest to NRC staff. The ORs continue to respond to requests from NRC Headquarters staff to provide various documentation and feedback related to Key Technical Issues (KTIs) and their resolution. During this reporting period, the ORs continued to observe activities associated with Yucca Mountain site activities, KTIs, and audits. The ORs also attended various meetings and accompanied NRC staff on visits to Yucca Mountain.

If you have any questions on this report or its attachments, please call Robert Latta on (702) 794-5048, or Jack Parrott on (702) 794-5047.

Attachments:

1. "U.S. Nuclear Regulatory Commission On-Site Licensing Representatives' Report Number OR-04-06 for the Reporting Period of November 1, 2004, through December 31, 2004"
2. Table 1: "U.S. NRC On-Site Licensing Representatives' Tracking Report for Open Items Followed in Bi-Monthly OR Report"

cc: See attached list.

Memorandum to C.W. Reamer from R. Latta and J. Parrott, dated: March 4, 2005

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P. Guinan, Legislative Counsel Bureau	R. Boland, Timbisha Shoshone Tribe
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J. Leeds, Las Vegas Indian Center

J. C. Saulque, Benton Paiute Indian Tribe

C. Bradley, Kaibab Band of Southern Paiutes

R. Joseph, Lone Pine Paiute-Shoshone Tribe

L. Tom, Paiute Indian Tribes of Utah

E. Smith, Chemehuevi Indian Tribe

D. Buckner, Ely Shoshone Tribe

V. Guzman, Walker River Paiute

D. Eddy, Jr., Colorado River Indian Tribes

H. Jackson, Public Citizen

J. Wells, Western Shoshone National Council

D. Crawford, Inter-Tribal Council of NV

I. Zabarte, Western Shoshone National Council

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- cc: See attached list.

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**U.S. NUCLEAR REGULATORY COMMISSION**  
**ON-SITE LICENSING REPRESENTATIVES' REPORT**  
**NUMBER OR-04-06**  
**FOR THE REPORTING PERIOD OF**  
**NOVEMBER 1, 2004, THROUGH DECEMBER 31, 2004**

## TABLE OF CONTENTS

U.S. NUCLEAR REGULATORY COMMISSION  
ON-SITE LICENSING REPRESENTATIVES' REPORT  
NUMBER OR-04-06

FOR THE REPORTING PERIOD OF NOVEMBER 1, 2004, THROUGH DECEMBER 31, 2004

### PAGE

TABLE OF CONTENTS .....	i
ACRONYMS AND ABBREVIATIONS .....	ii
EXECUTIVE SUMMARY .....	1
REPORT DETAILS .....	2
Introduction	
Objectives	
1. Site Activities and Data Acquisition .....	2
2. Outreach Activities .....	2
3. QA and Engineering .....	2
4. General Activities .....	5

## **ACRONYMS AND ABBREVIATIONS**

<b>ACRO</b>	<b>TITLE</b>
AMR	Analysis Model Report
BSC	Bechtel SAIC Company, LLC
CR	Condition Report
D&E	Design & Engineering
DOE	U.S. Department of Energy
FDDs	Facility Description Documents
KTI	Key Technical Issue
LA	License Application
NRC	U.S. Nuclear Regulatory Commission
OR	On-Site Representative
PA	Performance Assessment
PCSA	Pre-closure Safety Analysis
PDIT	Pre-closure/Design Integration Team
QA	Quality Assurance
QARD	Quality Assurance Requirements Description
SDDs	System Description Documents

## **EXECUTIVE SUMMARY**

### **SITE ACTIVITIES AND DATA ACQUISITION**

During this reporting period an On-Site Representative (OR) lead a group of U.S. Nuclear Regulatory Commission (NRC) personnel on a tour of U.S. Department of Energy's (DOE) proposed Nevada rail corridor for the transportation of spent nuclear fuel and high-level radioactive waste. See Section 1.

### **OBSERVATION OF "SOFTWARE USE AND CONFIGURATION MANAGEMENT AUDIT"**

During this reporting period, the ORs observed the conduct of BSC's QA audit of "Software Use and Configuration Management."

Based on the ORs' observations, it was determined that the audit team appropriately evaluated the process controls related to software use and configuration management, including the adequacy of implementing procedures. The ORs also determined that this oversight activity was appropriately performed. See Section 3.1.

### **EFFECTIVENESS REVIEW OF DEFICIENCIES IN THE MANAGEMENT AND UTILIZATION OF DATA**

The Project previously identified repetitive conditions adverse to quality concerning inadequate data management and utilization. Subsequent to the closure of this issue, an effectiveness review was performed.

Based on the examination of the effectiveness review results and discussions with the cognizant BSC staff, the ORs determined that this activity had been appropriately performed. See Section 3.2.

### **REVIEW OF OPEN ITEMS**

During this reporting period, the ORs reviewed the pertinent information related to previously identified OR Open Items. Based on the review of the completed actions for OR Open Items 02-12 and 03-06, it was determined that the issues identified in these open items were adequately addressed and closed. See Section 3.3.

### **PRE-CLOSURE/DESIGN INTEGRATION TEAM**

During this reporting period DOE's Pre-Closure/Design Integration Team (PDIT) concluded its efforts. The ORs observed a surveillance of the PDIT, by Bechtel SAIC Company, LLC Quality Assurance (BSCQA), that looked at the disposition of the discrepancies found in Design and Engineering documents reviewed by the PDIT. See Section 3.4.

### **ENGINEERING PRODUCTS REVIEW**

During this reporting period, the Project initiated the "Yucca Mountain Repository Development Design and Engineering, Discipline Engineering Products Assessment Plan." This 100 percent assessment of engineering products was undertaken in response to an independent engineering product review on a limited number of the Yucca Mountain Repository design and engineering pre-closure safety analysis products. See Section 3.5.



## REPORT DETAILS

### INTRODUCTION

The principal purpose of the On-Site Representatives' (ORs') report is to inform U.S. Nuclear Regulatory Commission (NRC) managers, staff, and contractors about information on the U.S. Department of Energy's (DOE's) programs in repository design; performance assessment (PA); performance confirmation; and environmental studies that may be useful in fulfilling NRC's role during prelicensing consultation. The primary focus of this and future OR reports will be on DOE's programs for subsurface and surface-based testing, PA, data management systems, environmental studies, and quality assurance (QA). Relevant information includes new technical data, DOE's plans and schedules, and the status of activities to support preparation of the License Application (LA). The ORs also take part in activities associated with resolving NRC Key Technical Issues (KTIs). This report covers the period of November 1, 2004, through December 31, 2004.

### OBJECTIVES

An OR's mission is to serve principally as a point of prompt information exchange and to identify preliminary concerns with site investigations and potential licensing issues. The ORs carry out this role by gathering and evaluating information, identifying concerns, and bringing more significant issues to NRC management's attention. Communication with DOE is accomplished by exchanging information on data, plans, schedules, documents, activities and pending actions, and resolution of issues. The ORs interact with DOE scientists, engineers, and managers, with input from NRC Headquarter's management, regarding the implementation of NRC policies, programs, and regulations. The ORs also focus on such issues as design controls, data management systems, PA, and KTI resolution. A primary OR role is to identify areas in site studies, activities, or procedures that may be of interest or concern to the NRC staff.

#### 1. **SITE ACTIVITIES AND DATA ACQUISITION**

On November 30, and December 1, 2004, an OR led a group of NRC personnel on a tour of DOE's proposed Nevada rail corridor for the transportation of spent nuclear fuel and high-level radioactive waste. The tour followed, as closely as possible, to the corridor, from Caliente, Nevada, to the Crater Flat area west of the potential repository location at Yucca Mountain, as proposed by DOE in the *Federal Register* on December 29, 2003 (68 FR 74965). The tour also included areas of Amargosa Valley, Nevada, south of Yucca Mountain, that could be significant from a dose assessment or environmental impact perspective.

#### 2. **OUTREACH ACTIVITIES**

None during this reporting period.

#### 3. **QA AND ENGINEERING**

##### 3.1 **Observation of "Software Use and Configuration Management Audit"**

During this reporting period, the ORs observed the conduct of BSC's QA audit of "Software Use and Configuration Management." The purpose of this compliance-based audit was to evaluate BSC's implementation of quality-affecting procedures applicable to software use and configuration management, including documentation of software

qualification. The audit scope also included evaluation of completed corrective actions associated with previously documented Condition Reports (CRs), to determine if there were recurrences of those conditions.

As a result of the audit team's documentation reviews, and evaluations of software in use, it was determined that project personnel were properly implementing the requirements of the Quality Assurance Requirements and Description (QARD) applicable to software use and configuration management, including software qualification. Although the audit team identified several conditions adverse to quality, these issues were determined to be relatively minor in nature and there were no adverse impacts on the related technical products. The audit team also concluded that the corrective actions for previous CRs that were relevant to the scope of the audit were satisfactory and with one minor exception, there were no recurring conditions.

Based on the ORs' observations, it was determined that the audit team appropriately evaluated the process controls related to software use and configuration management, including the adequacy of implementing procedures. The ORs also determined that the audit team was well-prepared and effectively examined the subject matter documents. No audit observation inquiries were identified, and the ORs determined that this oversight activity was appropriately performed.

### 3.2 Effectiveness Review of Deficiencies in the Management and Utilization of Data

The Project previously identified repetitive conditions adverse to quality concerning inadequate data management and utilization. Subsequent to the closure of this issue, an effectiveness review was performed. The effectiveness review evaluated 64 of the 89 Analysis Model Reports (AMRs) that were revised during the Regulatory Integration Team process.

As a result of the effectiveness review, several conditions adverse to quality were identified, involving inadequate implementation of data verification process controls. However, these implementation errors did not impact the technical validity of the respective AMRs and the occurrences did not appear to represent an adverse trend relative to the data qualification process. The effectiveness review also identified other data-related issues concerning the data-confirmation process. These issues were appropriately documented on CRs and the established corrective actions were determined to be acceptable. The effectiveness review concluded that the procedural revisions and management actions to enhance the data management process have resulted in improvements in the transparency and traceability of the data used to support technical products.

Based on the review of the documentation related to this activity and discussions with the cognizant BSC staff, the ORs determined that the effectiveness review for the corrective actions associated with this issue had been appropriately performed.

### 3.3 Review of Open Items

During this reporting period, the ORs reviewed the pertinent information associated with previously identified OR Open Items. The results of this review are provided below.

- 3.3.1 As previously documented in NRC Report OR-02-05, the ORs determined that the procedure for the qualification of data had been inappropriately revised to allow for the use of unqualified data. Additionally, an area of concern was identified, with respect to

the adequacy of the BSCQA procedure change control program, which failed to identify this issue during the review and concurrence process.

In response to these issues, DOE revised the governing procedure to be consistent with the requirements of the QARD and removed the provisions for the use of accepted data. DOE also initiated a number of enhancements, to the procedure development process, that are designed to improve procedural compliance with the QARD.

Based on the review of the completed corrective actions associated with this issue the ORs determined that the concerns identified in this open item were adequately addressed. Therefore, **OR Open Item 02-12** is considered closed.

- 3.3.2 OR Open Item 03-06 was initiated to document several related conditions adverse to quality that indicated an adverse trend concerning the incorporation of QARD program requirements into implementing documents.

In response to these issues, DOE initiated corrective actions to address the identified conditions. Based on the review of the completed corrective actions associated with these issues, the ORs determined that the concerns identified in this open item were adequately addressed. Therefore, **OR Open Item 03-06** is considered closed.

#### 3.4 Pre-closure/Design Integration Team

As reported in the last OR report, the Project initiated the Pre-closure/Design Integration Team (PDIT). During this reporting period, the PDIT concluded its efforts and the ORs observed a surveillance of the PDIT, by BSC QA, that looked at the disposition of the discrepancies found in Design and Engineering (D&E) documents reviewed by the PDIT. The surveillance found that the implementation of the process used by the PDIT for the identification, and tracking of the discrepancies to closure, was considered effective. One identified discrepancy was the failure to use checklists. The use of checklists had been identified in the PDIT work package. Rather than checklists, the PDIT management indicated that the PDIT relied on the team members' experience with NRC licensing, regulation, and inspection guidance to inform their review comments, and that the discrepancy reports were used to capture the discrepancies for the documents reviewed. The issues identified in the discrepancy reports were being tracked to closure by the PDIT personnel. Given the unique and first-of-its-kind nature of the PDIT review process, the ORs have no further questions about the use of best judgment and NRC guidance by the PDIT personnel, versus the use of checklists to inform the review.

#### 3.5 Engineering Products Reviews

During this reporting period, the Project performed an independent engineering product review of 32 D&E calculations, 18 SDDs or FDDs, and 8 PCSA documents. This independent review, done in response to a number of CRs related to technical product preparation, was conducted by a core team of Bechtel corporate personnel that were independent of BSC. The primary finding of this review was that missing or incomplete information made the basis of the conclusions, in most of the engineering documents reviewed, unclear without recourse to the originator. The findings of the independent review were captured in CRs.

Based on the findings of the independent review, the Project initiated the "Yucca Mountain Repository Development Design and Engineering, Discipline Engineering Products Assessment Plan." This is an assessment of 100 percent of the SDDs and FDDs, and all 234 calculations that support them. This assessment had not been completed by the end of this reporting period.

4. **GENERAL ACTIVITIES**

4.1 Meetings

During this reporting period, the ORs participated in the following meetings:

- On November 22, 2004, representatives from NRC, including the ORs, participated in a public meeting with DOE personnel at NRC Headquarters in Rockville, Maryland. The purpose of this meeting was to discuss programmatic issues concerning DOE's potential LA for constructing a geologic repository at Yucca Mountain, Nevada.

4.2 Site Visits

No site visits this reporting period.

**U.S. NRC ON-SITE LICENSING REPRESENTATIVES' TRACKING REPORT FOR OPEN ITEMS FOLLOWED IN  
BI-MONTHLY OR REPORT**

**Table 1**

<i>OPEN ITEM NUMBER (For Tracking only)</i>	<i>BRIEF DESCRIPTION OF OPEN ITEM</i>	<i>OPEN ITEM OR REPORT NO.</i>	<i>DATE OPEN ITEM CLOSED</i>
AOI-YMSCO-ARC-02-12-01	Identifies the need for DOE OQA to ensure that procedure development and review process include a documented evaluation to verify compliance with the requirements of the YMP's QARD.	OR-03-01	OR Report No: OR-03-03 August 15, 2003
OR Open Item 04-01	A concern regarding the safety analysis of the ground support system in the ESF.	OR-04-01	OR Report No: OR-04-04 October 27, 2004
OR Open Item 03-06	Based on review of CR-756, 12 quality-affecting procedures were approved without meeting the applicable QARD requirements.	OR-03-05	OR Report No. OR-04-06
OR Open Item 03-05	The continued use of unqualified software in quality-affecting technical products appears to be in conflict with the governing requirements of the implementing procedures and the QARD.	OR-03-04	
OR Open Item 03-04	With a tentative date of mid-June to evaluate CAR BSC(B)-03-(C)-107, the RCD has not acted on this CAR in a timely manner and it has remained open for 4 months without resolution.	OR-03-03	OR Report No: OR-03-05 January 12, 2004
OR Open Item 03-03	An evaluation in DOE's progress in implementing corrective actions associated with CAR B.C.-01-C-001, concerning model validation, the OR reviewed TAPS (approx. 43 models). Based on the results, it could not be established if the evaluation criteria will result in the development of models with adequate confidence for the LA.	OR-03-02	
OR Open Item 03-02	During a review of the MII confirmation packages, it was identified that the action statement execution task descriptions and completion schedules for many of the reviewed pkgs had been modified without appropriate justification. Therefore, pending the resolution of this apparent deviation from a commitment to administer the MII in accordance with the requirements of AP-5.1Q, this issue is identified as this OR Open Item.	OR-03-02	OR Report No: OR-04-02 July 8, 2004

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OR Open Item 03-01	This Open Item is based on issues on separate DRs: (1) the effective resolution of concerns related to inadequate personnel training; 2) the failure to establish an effective transition plan; and 3) the evaluation of the SCWE issues.	OR-03-01	OR Report No: OR-03-04 October 20, 2003
OR Open Item 02-13	The current status of corrective & preventive actions associated with CAR No. BSC-02-C-01 revealed that not all corrective actions stated had been complete.	OR-02-05	OR Report No: OR-03-05 January 12, 2004
OR Open Item 02-12	Contrary to requirements of the QARD Supplement III 2.4.C, AP-SIII.2Q inappropriately allows for the use of unqualified data. BSC QA procedure change control program failed to identify this issue.	OR-02-05	OR Report No. OR-04-06
OR Open Item 02-11	Based on surveillance not identifying specific problems with software functionality for codes tested, 7 - including NUFT, did not pass ITP and/or VTP surveillance.	OR-02-05	OR Report No: OR-03-06 February 18, 2004
OR Open Item 02-10	Pending appropriate evaluation and documentation of the design control attributes associated with requirements of 10 CFR 63.44 and 10 CFR Part 21.	OR -02-04	
OR Open Item 02-09	Pending revision of engineering procedures, to include appropriate design verification considerations.	OR-02-04	OR Report No: OR-03-06 February 18, 2004
OR Open Item 02-08	The required performance of annual audits' justification for delaying a scheduled audit of YMSCO for 3 months, with an additional extension, does not appear to be adequately supported. Deviation from requirement of sub-section 18.2.1E of the QARD.	OR-02-04	OR Report No: OR-02-06 January 23, 2003
OR Open Item 02-07	Model Validation Impact Assessment addressed the effect of inappropriately validated models on TSPA-SR. Many cases of impact assessments used TSPA-SR results to evaluate the local impacts. It's unclear how this practice evaluated the cumulative impact of all the models in question.	OR-02-01	OR Report No: OR-03-06 February 18, 2004

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OR Open Item 02-06	Unqualified Data Impact Assessment - NRC staff identified unqualified data that could be replaced with qualified data for the performance assessment. For the risk-significant components, an evaluation of unqualified data replaced with qualified data would help determine if efforts should be undertaken to qualify the removed data.	OR-02-01	OR Report No: OR-04-02 July 8, 2004
OR Open Item 02-05	Provisions are in place that allow for model validation to continue past issuance of the documentation. The models used in the performance assessment should have adequate support for their representation at the time the performance assessment documentation is issued.	OR -02-01	OR Report No: OR-03-06 February 18, 2004
OR Open Item 02-04	A number of criteria have been developed related to various forms of review. If a review is relied on for model validation, it should be directed at validating the model and it should encompass the full body of information to the extent practical.	OR-02-01	OR Report No: OR-03-01 April 14, 2003
OR Open Item 02-03	More objective criteria (comparison to data not used in the development of the model), typically resulting in higher confidence in model validation are not distinguished from the more subjective, problematic criteria.	OR-02-01	OR Report No: OR-03-02 June 11, 2004
OR Open Item 02-02	Current process controls specify that one or more of nine criteria may be used to validate a model. All the criteria should increase confidence in the modeling process, some criteria do not appear to be appropriate for addressing whether the model is valid for its intended use.	OR-02-01	OR Report No: OR-03-01 April 14, 2003
OR Open Item 02-01	Failure to properly include the specific issues identified in the Concerns Program Final Report in the resolution process may result in not adequately addressing the original employee's concern.	OR-02-01	OR Report No: OR-02-06 January 23, 2003